



JC02 Rec'd PCT/PTC

15 AUG 2005

PG

Dkt. 73607/JPW/JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Josette Masle, et al.  
U.S. Serial No. : 10/519,135 (§371 National Stage  
of PCT International Application  
No. PCT/AU2003/000854)  
International Filing  
Date : July 2, 2003  
For : METHOD OF PRODUCING PLANTS  
HAVING ENHANCED TRANSPIRATION  
EFFICIENCY AND PLANTS PRODUCED  
THEREFROM

1185 Avenue of the Americas  
New York, New York 10036  
August 11, 2005

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION IN RESPONSE TO JUNE 13, 2005 NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

This Communication is submitted in response to the June 13, 2005 Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) issued by the United States Patent and Trademark Office in connection with the above-identified application. The June 13, 2005 Notification, a copy of which is attached as **Exhibit A**, provides two (2) months for filing a response. Therefore, a response to the June 13, 2005 Notification is due August 13, 2005. Accordingly, this Communication is being timely filed.

The June 13, 2005 Notification indicates that the oath or declaration is unsigned. In response, applicants submit hereto as **Exhibit B** a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(f). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

08/22/2005 MKAYPAGH 00000075 10519135

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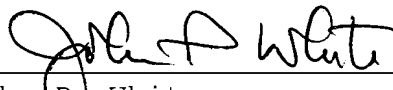
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International Filing Date: July 2, 2003  
Page 2

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

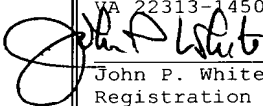
No fee, other than the \$130.00 declaration Surcharge, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



**August 11, 2005**  
John P. White                      Date  
Registration No. 28,678

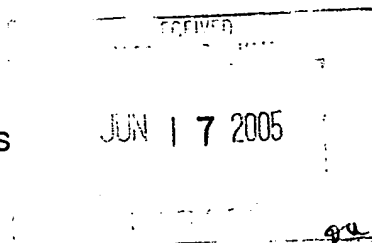


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/519,135	Josette Masle	2251/73607/JPW/MJW

23432  
COOPER & DUNHAM, LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036



INTERNATIONAL APPLICATION NO.	
PCT/AU03/00854	
LA. FILING DATE	PRIORITY DATE
07/02/2003	07/02/2002

CONFIRMATION NO. 3638  
371 FORMALITIES LETTER  
\*OC000000016252070\*  
\*OC000000016252070\*

Date Mailed: 06/13/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/22/2004
- Copy of the International Search Report filed on 12/22/2004
- Copy of IPE Report filed on 12/22/2004
- Preliminary Amendments filed on 12/22/2004
- Information Disclosure Statements filed on 12/22/2004
- Biochemical Sequence Diskette filed on 12/22/2004
- Biochemical Sequence Listing filed on 12/22/2004
- Request for Immediate Examination filed on 12/22/2004
- Copy of references cited in ISR filed on 12/22/2004
- U.S. Basic National Fees filed on 12/22/2004
- Priority Documents filed on 12/22/2004

2mo: 8/13/05  
3mo: 9/13/05  
4mo: 10/13/05  
5mo: 11/13/05  
6mo: 12/13/05  
7mo: 1/13/06 *FW*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,135	PCT/AU03/00854	2251/73607/JPW/MJW

FORM PCT/DO/EO/905 (371 Formalities Notice)